

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL
OR OUTDOOR PROGRAMS
Full Board Meeting
Department of Labor & Industry
301 S. Park Avenue, Helena, MT
Basement Conference Room & by Conference Call
December 16, 2010
1:30pm-3:30pm
MINUTES

AGENDA ITEM # 1

Call to Order. 1:34 pm.

Members present by phone: John Santa, Penny James, Mary Alexine, and Tim Callahan. Members absent: Darcie Kelly.

Staff: Cyndi Breen, Jean Branscum, Mary Tapper, Darcee Moe, Lisa Johnson, Jack Kane, Dustin Johnson.

Others present: Paul Clark, Mickey Manning, Mary Thielbahr, Gordon Newell, and Carl Baisden.

AGENDA ITEM # 2

Review of agenda & approval.

Motion: Mr. Callahan moved to approve the agenda as written.

Second: Ms. Alexine.

Discussion: None.

Vote: Unanimous.

Motion carried.

PUBLIC COMMENT STATEMENT:

No public comments were heard at this time.

AGENDA ITEM #3

Department updates – 1:45PM.

- Mr. Jack Kane, Administrator., DLI/BSD.
- Ms. Lisa Johnson, Deputy Administrator, DLI/BSD.
- Ms. Darcee Moe, Managing Attorney, DLI/BSD.

Jack Kane provided an educational power point of roles and responsibilities of board members and of the Department. Lisa Johnson provided an update on the new database software and costs related to purchase, implementation and maintenance of the new system. Darcee Moe imparted information regarding the roles of board members during the up and coming legislative session.

AGENDA ITEM #4

Review and approval of minutes, October 8, 2010.

Motion: Ms. Alexine moved to approve the minutes as written.

Second: Ms. James.

Discussion: None.

Vote: Unanimous.

Motion carried.

AGENDA ITEM #5

Application updates and reviews.

1. Final Orders.

Ms. Tapper reported that Building Bridges Mountain Meadows, Riverview Academy, Turning D Ranch, Turning Winds, Chrysalis, and Star Peak Crossing have successfully submitted all application requirements and signed agreements necessary to be in compliance with licensure.

Motion: Mr. Santa moved to accept/approve final orders for all of the above named schools.

Second: Mr. Callahan.

Discussion: None.

Vote: Unanimous.

Motion carried.

Ms. Tapper and Ms. Breen reported that Monarch has complied with licensure requirements except for a one final report from building codes.

Motion: Mr. Santa moved to approve the issuance of a final order adopting the signed amended stipulated agreement for Monarch school. Upon receipt of the missing application documents staff will issue full licensure.

Second: Mr. Callahan.

Discussion: None.

Vote: Unanimous.

Motion carried.

Ms. Tapper and Ms. Breen reported that New Horizons has complied with the requirements of licensure except for successful completion of passive restraint training. There is some question regarding receipt of the signed amended stipulated agreement.

Motion: Mr. Santa moved to approve and accept the proposed final order for New Horizons. Upon receipt of the signed document and verification of facility staff completion of passive restraint training, full licensure shall be granted.

Second: Mr. Callahan.

Discussion: None.

Vote: Unanimous.

Motion carried.

Ms. Breen reported that Explorations has complied with the requirements for licensure with the last piece being the successful completion of passive restraint training.

Motion: Mr. Santa moved to approve and accept the proposed final order for Explorations Inc.

Second: Mr. Callahan.

Discussion: The school shall sign and return the order. Staff has completed the passive restraint training. Staff will issue full licensure upon receipt of the signed order.

Vote: Unanimous.
Motion carried.

Ms. Breen reported that Clearview Horizons had made contact with the board office within the past two weeks. The school had been notified by board staff of deficiencies with their application. Mary Thielbahr, program owner explained that she had erroneously believed that her program was in full compliance with all licensure requirements. She has had a recent turnover in staff and has discovered otherwise. The school is making every effort to submit all missing materials on the application check sheet. Ms. Thielbahr has hired a consultant to assist in the process.

2. Clear view Horizons

Motion: Mr. Santa moved to grant a probationary license to Clearview Horizons for a time period of 90 days. Upon successful compliance with all application requirements staff shall issue full licensure.

Second: Mr. Callahan.

Discussion: None.

Vote: Unanimous.

Motion carried.

3. Ranch for Kids

Mary Tapper, Board Counsel, provided an update on Ranch for Kids. She reported that the school did not sign the stipulated agreement sent to them in June 2010. They have requested a hearing with the administrative law judge which is scheduled for March 2011. Tiffin Hall, attorney for the Ranch, has submitted a discovery request that includes interrogatories and request for documents. The Department will be making similar requests. Board Chair John Santa asked if the department had made every effort to resolve the issues with the Ranch and that they were clearly aware of what was being asked of them. Ms. Tapper confirmed that legal staff had been in ongoing dialog with Tiffin Hall and the expectations were clear. Mr. Santa also asked about the prospect of board members approaching the school in an effort to discourage the legal proceeding and the costs associated with that process. Board Counsel Mary Tapper discouraged the board members from approaching the school because the case has entered litigation.

AGENDA ITEM #6

Department reports

-Budget-FY 2011 to date

Beginning Cash FY 10	\$ 18,289.40
Revenue Received	\$ 31,285.00
Expenses to date,	\$ (26,495.40)
Ending Cash Balance,	\$ 23,079.00

Appropriation budget	\$ 48,194.00
Expenses	\$ (26,495.40)

Appropriation Budget \$ 21,698.60
Motion: Mr. Santa moved to approve the budget as presented.
Second: Ms. James.
Discussion: None.
Vote: Unanimous.
Motion carried.

-Legal
The Board motioned at the June 1, 2010 meeting for staff and the board chair to meet and draft a letter to Governor Schweitzer requesting an exemption to the fingerprint and background process. Chairman Santa will contact Ms. Tapper sometime over the next two weeks to address this issue.

-DOJ Audit
Board staff reported that the Department of Justice conducted an audit on December 10, 2010 of the Boards process for receiving, maintaining and destroying criminal records. DOJ staff provided a verbal report stating that the processes in place are in compliance with DOJ requirements. Upon receipt, the final written report will be shared with the Board.

AGENDA ITEM #7
Legislative update.
LC 1687.
Staff has learned from DPHHS who speculates that that this bill will attempt to regulate faith based schools. Current law exempts schools that are an adjunct ministry of a church incorporated in the state of Montana. No board action taken.

AGENDA ITEM #8
Rule proposals:
-Fee structure proposals
As per board motion, department staff prepared four budget scenarios for cost distribution based on a \$90,000 budget.
The scenarios included the current rate using five categories, a fee increase of 23% across four categories, a fee increase of 25% over four categories, development of 2 categories rather than the current five categories with costs distributed equally and with a 23% and 25% increase, and a flat rate with the fees equally divided with a 23% and 25% increase.

Motion: Dr. Santa moved that the Board adopt a fee structure using four categories; 0-10, 11-25, 26-50, & 51+.
Second: Mr. Callahan.
Discussion: None.
Vote: Unanimous.
Motion carried.

Motion: Dr. Santa moved that the Board adopt the fee scenario using the 25% increase.
Second: Ms. Alexine.

Discussion: None.
Vote: Unanimous.
Motion carried.

-Current ARM clean-up

Board staff made revisions to the current board rules reflecting changes to fees, language related to "registration" of programs and changing the definition of a residential program to include schools with one student instead of four students.

Motion: Dr. Santa moved that the Board adopt the proposed changes as presented.
Second: Mr. Callahan.
Discussion: Ms. Branscum drew attention to areas of rule where the term "registration" has not been eliminated.
Mr. Santa amended his motion to allow staff to eliminate the work "registration" throughout the rule proposal.
Second: Mr. Callahan.
Vote: Unanimous.
Motion carried.

Mr. Santa expressed concern over the costs of doing a rule notice and his hope for including all of the needed rule changes in one rule process rather than two. There is urgency in having the new rule proposals with the fee increase implemented as soon as possible because without the fee increase the board will be operating with a negative balance by March of 2011. Mr. Santa is particularly interested in changes to rules regarding felony offenses of direct care staff. If in haste, all of the needed rule changes aren't included, the board will be faced with the costs associated with a second rule process. The board would like to avoid incurring those costs.

The call ended abruptly during this discussion. Board members were reconvened by dialing individual board members into a conference call and the call reconvened at 3:37pm with Mr. Santa, Ms. Alexine, and Ms. James.

AGENDA ITEM # 9

Next meeting.

Motion: Mr. Santa moved to schedule a conference call for January 13, 2011 affording staff and board members the opportunity to closely examine the rules and make any recommended changes to the rules.

Second: Ms. Alexine.

Discussion: None.

Vote: Unanimous.

Motion carried.

ADJOURNMENT

Motion: Ms. Alexine moved to adjourn the meeting at 3:50pm.

Second: Ms. James.

Discussion: None.

Vote: Unanimous.

Motion carried.